IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 94 OF 1997

Bank Karmachari Sangh .. Petitioner

versus

Poona Contractors Co-op Bank

Ltd. & Anr. .. Respondents

...

None present for the petitioner.

Ms.Jaya Joil i/b Meena Doshi for the respondent no.1

CORAM : B.H. MARLAPALLE,J

DATED : 14th September 2005.

P.C.:

1. It is alleged in this Contempt Petition that the order passed by this Court on 8th January 1993 in Writ Petition no. 4893 of 1993 was wilfully, intentionally and deliberately disobeyed by the respondents. The respondent no.2 who has been impleaded by name as the General Manager of the

respondent no.1 Bank. He has filed an affidavit in reply denying that the respondents acted in breach of the order passed by this Court. The order dated 8th December 1993 passed in Writ Petition no.4893 of 1993 and as reproduced in the said affidavit in reply reads as under:-

> "Heard counsel for the parties. Rule. Expedited. Interim relief refused."

2. It is thus clear that this Court did not issue directions against the respondents nor was there any relief granted in favour of the petitioners or the respondents. The Contempt Petition is founded on the basis that the orders impugned in the Writ Petition were not stayed and therefore, the respondents were duty bound to implement those orders passed by the Courts below. Needless to mention, if any order passed by the Industrial Court in a complaint of unfair labour practice, is not implemented, the criminal complaint is required to be filed u/s.48 of the MRTU & PULP Act 1971.

. Even otherwise it has been pointed out in the affidavit in reply that the Bank appointed three management trainees sometime in the year 1996 and this action of the Bank has in no way contravened the order passed by this Court on 8th December 1993 or by the Industrial Court on 19th August 1993. The Contempt Petition is thus without any substance and the same must fail.

3. Contempt Petition is hereby dismissed. Rule discharged.

B.H. MARLAPALLE, J